

06/25/2004 FRI 12:56 FAX 2483441096 → uspto

RECEIVED
CENTRAL FAX CENTER

JUN 25 2004

4001/010

OFFICIAL

INTELLECTUAL PROPERTY LAW OFFICES

CARRIER, BLACKMAN & ASSOCIATES, P.C.

24101 NOVI ROAD
SUITE 100
NOVI, MICHIGAN 48375

Tel. (248) 344-4422 Fax (248) 344-1096
E-mail: cba@home.msn.com
www.carrier-blackman.com

JOSEPH P. CARRIER*

WILLIAM D. BLACKMAN*

*Registered to practice
before the U.S. Patent and
Trademark Office

U. S. and Foreign Patents, Trademarks, Copyrights, Computer Law, Trade Secrets, Licensing, and Litigation

FACSIMILE TRANSMISSION COVER SHEET

DATE: June 25, 2004 OUR REF: GDJ-100-A YOUR REF: application S.N. 10/649,922

TO (COMPANY): USPTO Examining Group 3711

ATTN: Examiner Nini Legesse

FROM: William Blackman, Reg. No. 32,397

FAX NO. CALLED: (703) 872-9306 NO. OF PAGES (Including this page) 10

We are also mailing you a confirmation copy of this material if this box is checked.

If the received fax is illegible or incomplete, please call (248) 344-4422 for re-sending.

MESSAGE: The following is applicant's AMENDMENT A INCLUDING RESPONSE TO RESTRICTION REQUIREMENT, for review by Examiner Legesse and for entry into the application file.

CONFIDENTIALITY NOTICE

The information contained in this transmission is confidential. It is protected by the attorney-client, joint-defense, work-product, witness-statement and/or party-communication privileges. It is intended only for the use of the individual or entity named above. If the recipient or reader of this message is not the intended recipient named above, distribution, further transmittal, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address. Thank you.

RECEIVED
CENTRAL FAX CENTER 4002/010
JUN 25 2004 OFFICIAL

Attorney Docket No. GDJ-100-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gitre
Serial Number:	10/649,922
Filed:	Aug. 26, 2003
Group Art Unit:	3711
Confirmation No.	6106
Examiner:	Legesse, Nini F.
Title:	Sports Swing Aid and Training Apparatus

AMENDMENT "A" INCLUDING RESPONSE TO RESTRICTION REQUIREMENT

Commissioner For Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement in the Office Action of May 28, 2004, applicant submits the following response:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

IN THE CLAIMS

Please amend the claims as shown below, in which changes are indicated by strikethrough and/or underscoring. Also, please add new claims 18-20. This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Original) A sports swing training apparatus for use in conjunction with a sports implement, the apparatus comprising:
a hollow, inflatable plastic body member having a central axis and comprising a core portion with a central opening formed therein adapted to receive a shaft of the sports implement, said central opening extending through said body member along its central axis, and a plurality of wing sections attached to said core portion and extending outwardly therefrom in an inflated configuration of the apparatus.
2. (Original) The apparatus of Claim 1, wherein said body member comprises a felted, flocked fabric or other non-glossy surface on the interior of said central opening.
3. (Original) The apparatus of Claim 1, wherein said body member is substantially X-shaped in cross section, and wherein said wing sections are spaced substantially 90 degrees apart.
4. (Original) The apparatus of Claim 1, wherein said body member further comprises ribs positioned thereon between adjacent wing sections.

5. (Original) The apparatus of Claim 1, further comprising an attachment loop or hook attached to said body member for use in connecting said apparatus to an accessory.

6. (Original) The apparatus of claim 1, wherein the core portion has a slit formed therein substantially parallel to the central axis, and at least one fastener for attaching the sides of said core portion together at said slit.

7. (Original) A sports swing training apparatus for use in conjunction with a sports implement, the apparatus comprising:

a plastic body member formed from a closed-cell foam material and having a central axis, said body member comprising a core portion with a central opening formed therein to receive a shaft of the sports implement, said central opening extending through said body member along its central axis, and

a plurality of wing sections integrally formed with and extending outwardly from said core portion.

8. (Original) The apparatus of Claim 7, wherein said body member comprises a felted, flocked fabric or other non-glossy surface on the interior of said central opening.

9. (Original) The apparatus of Claim 7, wherein said body member is substantially X-shaped in cross section, and wherein said wing sections are spaced substantially 90 degrees apart.

10. (Original) The apparatus of Claim 7, further comprising an attachment loop or hook attached to said body member for use in connecting said apparatus to an accessory.

11. (Original) The apparatus of claim 7, wherein the core portion has a slit formed therein substantially parallel to the central axis, and a fastener for attaching the sides of said core portion together at said slit.

12. (Currently Amended) A sports swing training apparatus comprising:
an elongate, one-piece body member comprising a unitary inflatable plastic member having a core portion and a central axis, ~~said body member having at least one fastener thereon for attaching the sides of said core portion together at said slit~~; and

a plurality of wing sections integrally formed with and extending outwardly from said core portion;

wherein said body member has central opening formed therein that extends therethrough along its central axis, and wherein said apparatus comprises a felted, flocked fabric or other non-glossy surface on the interior of said central opening, ~~said core portion has a slit formed therein substantially parallel to the central axis and in communication with said central opening~~.

13. (Original) The apparatus of Claim 12, wherein said wing sections have flattened outer ends.

14. (Original) The apparatus of Claim 12, wherein said body member comprises a series of ribs located in the areas located between each wing section.

15. [Canceled]

16. (Original) The apparatus of Claim 12, wherein said body member is substantially X-shaped in cross section, and wherein said wing sections are spaced substantially 90 degrees apart.

17. (Original) The apparatus of Claim 7, further comprising an attachment loop or hook attached to said body member for use in connecting said apparatus to an accessory.

18. (New) A sports swing training apparatus for use in conjunction with a sports implement, the apparatus comprising:

a hollow, inflatable plastic body member having a central axis and comprising a core portion with a central opening formed therein adapted to receive a shaft of the sports implement, said central opening extending through said body member along its central axis, and a plurality of wing sections attached to said core portion and extending outwardly therefrom in an inflated configuration of the apparatus;

wherein said body member further comprises ribs positioned thereon between adjacent wing sections.

19. (New) The apparatus of Claim 18, further comprising an attachment loop or hook attached to said body member for use in connecting said apparatus to an accessory.

20. (New) The apparatus of Claim 18, wherein said body member comprises a felted, flocked fabric or other non-glossy surface on the interior of said central opening.

REMARKS

Restriction Response

Claims 1-17 have been placed under a restriction requirement under MPEP 803 and 35 U.S.C. 121 in the above-identified Office Action.

SUMMARY OF THE EXAMINER'S POSITION

Specifically, the Examiner has identified the following inventions:

- I. The species illustrated in Figures 1-2;
- II. The species illustrated in Figure 3;
- III. The species illustrated in Figure 4;
- IV. The species illustrated in Figures 5-6;
- V. The species illustrated in Figure 7; and
- VI. The species illustrated in Figure 8.

The Examiner has required restriction to one of the identified species for examination.

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are all drawn to a single inventive concept within the meaning of 37 C.F.R. 1.141(b), and should not be subject to restriction.

Even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

Moreover, applicant respectfully points out that MPEP section 803 states that

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner. Applicant therefore respectfully respects reconsideration and withdrawal of the restriction requirement.

Applicant respectfully further submits that even assuming, for the sake of argument, that some kind of restriction requirement is proper in the present application, the present restriction requirement is overly restrictive. Applicant suggests that at most, a proper restriction requirement would require restriction between the inflatable embodiments of the invention, such as those shown in Figures 1-3 and 5-6, and the closed-cell foam embodiments of Figures 4 and 7-8. Applicant therefore requests reconsideration and withdrawal of the present requirement, and if the Examiner insists on imposing a restriction requirement, Applicant suggests that instead of the present requirement, the two-way restriction requirement set forth in this paragraph might be considered.

However, notwithstanding the above, and in order to comply with Patent Office requirements, applicant elects, with traverse, the group identified by the Examiner as Invention I.

It is applicant's understanding and belief that claims 1-5, 12-14 (as amended), and 16-17, of the originally filed claims, are each drawn to the elected species.

Applicant has also introduced new claims 18-20 by the present amendment, and it is respectfully submitted that each of these new claims is also drawn to the elected species.

Claim Amendments

Applicant has canceled claim 15, has amended claim 12 to read on the elected species, and has incorporated the limitation from claim 15 into claim 12.

Applicant also introduces new claim 18 by the present amendment, which combines all of the limitations of original claims 1 and 4. Applicant further introduces new claims 19 and 20 by the present amendment, and these claims depend from claim 18, and are similar to original claims 2 and 5.

Applicant respectfully suggests that as presently amended, all of the pending claims are believed to be allowable.

For all of the above-mentioned reasons, applicant requests reconsideration and withdrawal of the restriction requirement of record, and allowance of the pending claims.

Applicant respectfully submits that no new matter is added by the present amendment, since all of the claims are fully supported by the original application.

The Commissioner is hereby authorized to charge \$43.00 for one additional independent claim in excess of three, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Favorable consideration is respectfully requested.

Respectfully submitted,

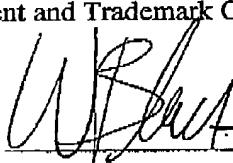


William D. Blackman
Registration No. 32,397
(248) 344-4422

Customer No. 21828
CARRIER, BLACKMAN & ASSOCIATES, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
June 25, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3711 of the United States Patent and Trademark Office on June 25, 2004, at the number (703) 872-9306.



Applicant respectfully suggests that as presently amended, all of the pending claims are believed to be allowable.

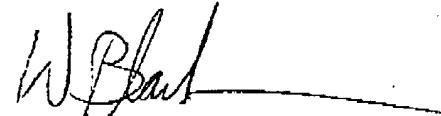
For all of the above-mentioned reasons, applicant requests reconsideration and withdrawal of the restriction requirement of record, and allowance of the pending claims.

Applicant respectfully submits that no new matter is added by the present amendment, since all of the claims are fully supported by the original application.

The Commissioner is hereby authorized to charge \$43.00 for one additional independent claim in excess of three, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Favorable consideration is respectfully requested.

Respectfully submitted,



William D. Blackman
Registration No. 32,397
(248) 344-4422

Customer No. 21828
CARRIER, BLACKMAN & ASSOCIATES, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
June 25, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3711 of the United States Patent and Trademark Office on June 25, 2004, at the number (703) 872-9306.

